Summary of Rejections

      a.   Claims 1, 2, and 4 have been rejected under 35 U.S.C. §103 as being unpatentable over Pontenzone et al., USPP 2002/0152278 in view of Hori et al., USPN 7,209,942.

      b.   Claims 5-7, of which Claim 5 is independent, have been rejected under 35 U.S.C. §103 as being unpatentable over Pontenzone et al. in view of Asmussen et al., USPP 2002/0042923 and Hempleman et al., USPN 6,243,725.

      c.   Claims 8-12 and 15, of which Claim 8 is independent, have been rejected under 35 U.S.C. §103 as being unpatentable over Pontenzone et al. in view of Asmussen et al. and Holtz, USPP 2002/0053078.

      d.   Dependent Claims 13 and 14 have been rejected under 35 U.S.C. §103 as being unpatentable over Pontenzone et al. in view of Asmussen et al., Holtz, and Hempleman et al.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

In a good faith effort to work toward allowance, Claim 1 has been extensively amended as summarized shortly. Under MPEP 708(III) (unclaimed subject matter should be brought to an applicant's attention), the examiner is encouraged to join Applicant's efforts and suggest amendments should remain of the opinion that further amendments are necessary.

As now amended, Claim 1 recites generating _plural_ playlists and associating the playlists with _respective_ consumers, such that the consumers can access their respective playlists over the network. Claim

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l also requires that <u>each playlist is uniquely associated with a respective consumer whose profile was used</u> <u>to generate the playlist, recalling a playlist for a respective consumer based on a consumer ID identifying the</u> <u>consumer, presenting the playlist on a client device associated with the respective consumer, receiving a</u> <u>selection from the playlist, and processing the selection by transmitting to the client device a multimedia</u> <u>stream corresponding to the selection</u> as taught in the present specification on pages 11-13. Pontenzone, in contrast, is directed to allowing listeners to manage a song playlist for a publicly broadcast radio station, and thus no playlist in Pontenzone is or need be associated with a <u>respective</u> consumer much less would Pontenzone suggest modification in some unknown way to recall a playlist for a respective consumer based on a consumer ID identifying the consumer. Applicant believes that Claim 1 is patentable over Pontenzone and the remaining relied-upon references.

Independent Claim 5 has been amended differently, namely, to require <u>signifying whether all content</u> <u>in the playlist is available for playback (playlist is "ready") or is pending (playlist is "incomplete")</u> as taught in the present specification on page 14. None of the relied-upon references appear to teach this feature.

Independent Claim 8 continues to recite that the multimedia content is not being constrained to be homogenous. Applicant has carefully reviewed the Office Action and it does not appear that this limitation has been specifically treated. Obviously, all the songs of Pontenzone are constrained to be homogenous content.

The examiner is cordially invited to telephone the undersigned for any reason that would advance this application to allowance.

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